

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)	
)	
Plaintiff,)	Civil Action No. 2:13-cv-1198
)	
v.)	Judge Nora Barry Fischer
)	Chief Magistrate Judge Lisa Pupo
UNKNOWN NAMED NUMBER OF)	Lenihan
U.S. POSTAL INSPECTORS, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

MEMORANDUM ORDER

Plaintiff commenced this civil action on August 7, 2013 in the United States District Court for the Middle District of Pennsylvania at Case No. 1:13-cv-02105-CCC-EC. The Middle District transferred the case to this District without ruling on Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 2), leaving the disposition of that motion to the discretion of the transferee court. The case was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 7), filed on October 1, 2013, recommended that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 2) be denied. Service of the Report and Recommendation was made on Plaintiff at his address of record, P.O. Box 42303, Pittsburgh, PA 15203. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. §

636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. Plaintiff filed timely Objections to the Report and Recommendation (ECF No. 8) on October 7, 2013 and then filed a "Supplemental Plaintiff's Objections to Report and Recommendation" (ECF No. 9) on October 10, 2013.

Therefore, after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

AND NOW, this 6th day of November, 2013,

IT IS HEREBY ORDERED that the Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 2) is **DENIED** and the Clerk of Court is directed to mark this case **CLOSED**.

IT IS FURTHER ORDERED that if Plaintiff wishes to continue to pursue this civil action, he must submit the full filing fee along with a motion to reopen the case.

IT IS FURTHER ORDERED that as to all future civil actions filed by Mr. Banks in which he requests leave to proceed IFP (except petitions for writ of habeas corpus), in addition to the other requirements for requesting *in forma pauperis* status, Plaintiff is required to attach to his motion for leave to proceed *in forma pauperis* a statement certifying: (1) that the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court, (2) that he believes the facts alleged in his complaint to be true, and (3) that he knows of no reason to believe his claims are foreclosed by controlling law. If Plaintiff fails to attach this certification, such failure will result in denial of the motion for leave to proceed *in forma pauperis*. If it should be

determined that a false certification has been made, Plaintiff may be held in contempt of court and the Court may impose appropriate sanctions and/or punishment, after notice and an opportunity to be heard on the matter.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 7) of Chief Magistrate Judge Lenihan, dated October 1, 2013, is adopted as the opinion of the Court.

BY THE COURT:

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Frederick Banks
USMS # 05711-068
Northeast Ohio Correctional Center
2240 Hubbard Road
Youngstown, OH 44505
Via First Class Mail